

*Paul J. Baccala
Ex Off.*STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF

KARL HOLL, LMP
License No. 36BI00569500LICENSED TO PRACTICE
AS A MASTER PLUMBER
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Karl Holl ("respondent") is a licensed master plumber in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent is currently registered with the Board to trade as "Karl A. Holl Plumbing and Heating." At the time of the complaint, respondent was a 10% owner and the bona fide representative for "Above All Plumbing and Heating" ("Above All").
3. The Board received a complaint from consumer V.E. pertaining to plumbing work that Above All was contracted to perform, on or about October 19, 2008, at a laundromat she owned in Fairview, New Jersey. According to V.E., Above All was called to assess a leak coming from a heater. Two technicians, employed by Above All, arrived and quoted a price of \$1,500 to repair the leak. V.E. wrote an initial check for \$1,000 to allow the technicians to purchase a needed part. The technicians were to obtain the part and return that day to work on the heater.
4. A technician returned on or about October 20, 2008 and requested an additional \$1,000.00 to obtain the needed part. V.E. wrote a second check for \$1,000.00. The following day the technician requested an additional \$1,000.00. V.E. wrote a third check for \$1,000.00.
5. The technician repaired the furnace on or about October 22, 2008 and presented V.E. with a bill for an additional \$11,235.00. V.E. issued two checks to the technician, one for \$5,235.00 and the other for \$6,000.00.
6. On May 28, 2009, respondent appeared at an investigative inquiry before the

Board, represented by Santo Bonanno, Esq. During the inquiry respondent acknowledged that he had previously been registered to trade as "Above All Plumbing and Heating," and was a 10% owner and bona fide representative of that entity.

7. Respondent testified he was unaware of Above All's billing activities. He was only notified if there was a complex plumbing issue for which his expertise was needed. Respondent stated that when he became aware of Above All's billing and price-setting practices, pertaining to this matter, he terminated his association with the entity.

8. Respondent admitted he did not visit the job site at any time while Above All was rendering plumbing services for V.E. He did not supervise the meetings with V.E., and did not obtain a contract for the job that was to be performed.

CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that the respondent violated the provision of a Board administered regulation, specifically N.J.A.C. 13:32-3.3(a). The respondent, as bona fide representative, did not provide the required supervision concerning the plumbing work performed for V.E..

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a reprimand and assessing a five thousand dollar (\$5,000) civil penalty was entered on July 28, 2011. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent, through his attorney, replied to the Provisional Order of Discipline seeking modification, dismissal, or mitigation of the civil penalty. Respondent maintains that customer V.E. did not sustain any damages as a result of respondent's lack of supervision and that the monetary issues originally alleged in the complaint were previously resolved by the parties.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. The Board determined that respondent's failure to maintain daily contact with the workers and his complete failure to supervise in any way, shape, or form, warrants imposition of a reprimand and a five thousand

dollar civil penalty.

ACCORDINGLY, IT IS on this 15th day of DECEMBER, 2011

ORDERED that:

1. Respondent is hereby reprimanded for the above stated violation.
2. Respondent is hereby assessed a civil penalty of five thousand dollars (\$5,000), pursuant to N.J.S.A. 45:1-25.
3. Respondent shall remit payment of the civil penalty, by certified check or money order, made payable to the State of New Jersey. The certified check or money order shall be delivered to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101 no later than 15 days after the entry of this Final Order of Discipline.
4. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt, pursuant to N.J.S.A. 45:1-24, with interest accruing at the rate provided by the Rules of Court, and may result in subsequent disciplinary proceedings for failure to comply with an order of the Board.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Peter Z Voros
Peter Voros
Board Chairman